

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA)
v.) No. 3:12-cr-00196
ABDULLAHI FARAH) JUDGE SHARP

MOTION TO DISMISS INDICTMENT

Comes now Mr. Farah, through his attorney, and, as set forth more fully in the Memorandum in Support of this Motion requests this Court dismiss all three counts of the indictment filed on October 3, 2012. This motion to dismiss is based on four grounds. First, the entire indictment violates the constitutional prohibition against double jeopardy. Second, as a matter of law, counts one and three of the indictment are defective. The Government cannot prove the requisite elements of those counts because it cannot show that Mr. Farah possessed the specific intent to obstruct justice. Third, the Government cannot prove an ongoing enforcement action as required by count three. Fourth, the third count is constitutionally void for vagueness

In the event that the Court rejects the Defendant's claims of double jeopardy, he seeks immediate appellate review pursuant to Abney v. U. S., 431 U.S. 651, 662 (1977) and 28 U.S.C. § 1291.

Respectfully submitted,

/s/ James E. Mackler
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the forgoing was sent via the Court's electronic filing system or, if not registered, deposited in the United States mail to the following on this 9th day of November, 2012.

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